

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

THIERNO MAMADOU HADY
DIALLO,

Plaintiff,

v.

DEPARTMENT OF
HOMELAND SECURITY, U.S.
CITIZENSHIP AND
IMMIGRATION SERVICES
(USCIS); ELAINE DUKE,
Acting Secretary, Department of
Homeland Security; JAMES
McCAMENT, Acting Director,
USCIS; DONALD NEUFELD,
Associate Director of Service
Center Operations, U.S.
CITIZENSHIP AND
IMMIGRATION SERVICES
(USCIS); THOMAS HOMAN,
Acting Director of ICE; SEAN
GALLAGHER, ICE Field Office
Director, Atlanta Area of
Responsibility,

Defendants.

Case No. 17-CV-970

Agency No. A 094 894 788

RESPONSE TO DEFENDANTS' MOTION TO DISMISS

On November 17, 2017, Defendant's filed a Motion to Dismiss Plaintiff's Complaint for Mandamus and Injunctive Relief. (Dkt 11.) The basis for the motion was that the complaint is moot in light of Plaintiff's subsequent deportation to Guinea. Plaintiff, through counsel, now responds.

It is with a very heavy heart that the undersigned must concede that Defendants' removal of Plaintiff from the United States on November 14, 2017 (Dkt. 12-1) effectively removed him also from the jurisdiction of this court for the purposes of his mandamus claim.

Thierno Diallo arrived in the United States at the age of 14 and was subjected to rape, beatings, imprisonment, and forced drug addiction for the next three to four years.¹ He had, at the time of his deportation, a strong application for a visa designed by Congress to protect the victims of exactly this type of abuse—a T-visa. That visa has now been also rendered moot by the actions of Defendants and their refusal to wait just a few more weeks for a decision.

Thierno leaves behind his fiancée, who, like him, still bears the fresh wounds of grief from the loss of their baby girl to SIDS earlier this

¹ These, and the following facts, are all documented in Dkts 2 and 3 and are part of the record.

year. He had finally begun the healing process from this and from the severe PTSD his earlier trauma had subjected him to, starting counselling at the urging of the undersigned.

Counsel concedes that Defendants' Motion to Dismiss must be granted as a matter of law. As a matter of humanity, it did not have to end this way.

Respectfully submitted this 8th day of December, 2017.

s/ Helen L. Parsonage
Helen Parsonage
ELLIOT MORGAN PARSONAGE
426 Old Salem Road
Winston-Salem, NC 27101
Tel: (336) 714 4480
Email: hparsonage@emplawfirm.com

CERTIFICATE OF SERVICE

I hereby certify that on December 8, 2017, the foregoing was electronically filed with the Clerk of Court using the CM/ECF system, which will send notifications of such filing to all parties.

s/ Helen L. Parsonage
Helen Parsonage
ELLIOT MORGAN PARSONAGE
426 Old Salem Road
Winston-Salem, NC 27101
Tel: (336) 714 4480
Email: hparsonage@emplawfirm.com